IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.18596 of 2006
Date of Decision:27.02.2007

Himachal Fruits & Vegetable Traders, Jalandhar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Ms. Jatinder Jit Kaur, Advocate for the petitioner.

Mr. Akshay Kumar Goyal, Advocate for respondent No.2.

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M.M.Kumar, J.

The prayer made in this petition is for quashing notice dated 26.10.2006 (Annexure P.5) calling upon the petitioner to deposit with the Tehsildar-cum-Additional Collector, Jalandhar a sum of Rs.3,48,726/- as market fee by 18.11.2006. It could not be successfully argued by the learned counsel for the respondents that the afore-mentioned demand for recovery has been raised by framing any assessment or issuing any show cause notice to the petitioner. Therefore, there is no escape from the conclusion that the impugned notice dated 26.10.2006 is patently illegal and cannot stand judicial scrutiny.

In view of the above, the impugned notice dated 26.10.2006 is quashed. However, we grant liberty to respondent No.2 to proceed against the petitioner in accordance with law.

(M.M.KUMAR)
JUDGE

February 27, 2007 **(RAJESH BINDAL)**
renu **JUDGE**